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April 11, 2013

**Via Hand Delivery**

The Honorable Robert E. Payne, United States District Judge  
United States District Court  
for the Eastern District of Virginia, Richmond Division  
Spottswood W. Robinson III and  
Robert R. Merhige, Jr., Federal Courthouse  
701 East Broad Street  
Richmond, VA 23219

**Re: *ePlus, Inc. v. Lawson Software, Inc.*  
Civil Action No. 3:09cv620 (REP)**

Dear Judge Payne:

On behalf of the parties, Plaintiff *ePlus Inc.* and Defendant *Lawson Software, Inc.*, and pursuant to the Court's request at the April 9, 2013 argument, this letter provides an updated list of the patent contempt cases of which the parties are aware that have considered the question of contempt and discussed and/or applied the Federal Circuit's decision in *TiVo, Inc. v. EchoStar Corp.*, 646 F.3d 869, 882 (Fed. Cir. 2011 (en banc)). The cases are listed here in alphabetical order, without any argument or characterization as to their applicability to this case.

*Aevoe Corp. v. AE Tech Co., Ltd.*, 2012 WL 1559768 (D. Nev. May 2, 2012).

*Aqua-Aerobic Sys., Inc. v. Five Star Filtration, LLC*, 2012 U.S. Dist. LEXIS 58946 (D. Ariz. Apr. 27, 2012).

*Arlington Industries, Inc. v. Bridgeport Fittings, Inc.*, 2013 WL 1149230 (M.D. Pa. Mar. 19, 2013) (additional decisions at 2012 WL 5296165 (M.D. Pa. Oct 25, 2012), and 2012 WL 3579607 (M.D. Pa. Aug. 17, 2012)).

*August Technology Corp. v. Camtek Ltd.*, 2011 WL 7615088 (D. Minn. Aug. 11, 2011).

*BASF Agro B.V. v. Cipla Ltd.*, 2012 WL 2023310 (M.D. Ga. Jun. 5, 2012).

*Merial Ltd. v. Cipla Ltd.*, 681 F.3d 1283 (Fed.Cir. 2012) (district court decision at *Merial Ltd. v. Cipla Ltd.*, 2011 WL 2489753 (M.D. Ga. Jun. 21, 2011)).

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*nCube Corp. v. SeaChange Intern. Inc.*, 2012 WL 4863049 (D. Del. Oct. 9, 2012)  
(additional decision at 809 F. Supp.2d 337 (D. Del. Sep. 2, 2011)).

*Petter Investments, Inc. v. Hydro Engineering, Inc.*, 2011 WL 2935411 (W.D. Mich. Jul. 18, 2011).

*Taser Int'l, Inc. v. Stinger Systems, Inc.*, No. CV07-42-PHX-JAT, slip op. (D. Ariz. Jan. 18, 2012).

*Walman Optical Co. v. Quest Optical, Inc.*, 2012 WL 3248150 (D. Minn. Aug. 9, 2012).

If the Court has any questions or would like any additional information from the parties, please let us know.

Respectfully submitted,



Jennifer A. Albert

cc: Counsel of Record